USDC SDNY DOCUMENT ELECTRONICALLY FILED UNITED STATES DISTRICT COURT DOC#: DATE FILED: 12/3/2020 SOUTHERN DISTRICT OF NEW YORK X MOSHA FARRIS, ET AL., : Plaintiffs, : 1:20-CV-01314 (ALC) -against-**ORDER** INTERNATIONAL ASSOCIATION OF BRIDGE, STRUCTURAL, ORNAMENTAL REINFORCING STEEL LOCAL 11,

Defendant.

X

ANDREW L. CARTER, JR., District Judge:

On November 24, 2020, the Court issued an order directing Plaintiff CEC Steel Limited Liability Company (hereinafter, "CEC Steel") to appear through counsel by January 8, 2021 and advising that failure to do so would result in CEC Steel being dismissed from the case. ECF No. 18. Plaintiff subsequently sent a letter to the Court requesting leave to file an appeal of that order. ECF No. 20. The Court hereby **DENIES** Plaintiff leave to file an appeal.

Pursuant to 28 U.S.C. §§ 1291 and 1292, the Court of Appeals has jurisdiction to hear appeals from: (1) final decisions and (2) interlocutory orders of the district courts of the United States. A final decision "ends the litigation on the merits and leaves nothing for the court to do but execute the judgment." In re Roman Catholic Diocese of Albany, New York, Inc., 745 F.3d 30, 36 (2d Cir. 2014) (per curiam) (quoting Coopers & Lybrand v. Livesay, 437 U.S. 463, 467 (1978), superseded by statute, FED. R. CIV. P. 23(f), as recognized in Microsoft Corp. v. Baker, --- U.S. ---, 137 S.Ct. 1702 (2017)) (internal quotation marks omitted). To be appealable as an interlocutory order pursuant to the collateral order doctrine, the order must (1) "conclusively

¹ Plaintiff's letter is dated November 11, 2020; however, the Court received this letter on November 27, 2020. The letter was docketed on December 1, 2020. ECF No. 20.

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determine the disputed question;" (2) resolve an important issue completely separate from the

merits of the action;" and (3) "be effectively unreviewable on appeal from a final judgment." Id.

at 36. 28 U.S.C. § 1292(b) provides that

[w]hen a district judge, in making in a civil action an order not otherwise appealable under this section, shall be of the opinion that such order involves a controlling question of law as to which there is substantial ground for difference of opinion and that an

immediate appeal from the order may materially advance the ultimate termination of the

litigation, he shall so state in writing in such order.

This Court's order directing Plaintiff CEC Steel to appear through counsel within 45 days

or be dismissed does not constitute an appealable order pursuant to the above doctrines. To the

extent Plaintiff seeks certification under 28 U.S.C. § 1292(b), Plaintiff's certification request is

DENIED.

Defendant is hereby **ORDERED** to serve Plaintiff with a copy of this order and file proof

of service by **December 8, 2020**.

SO ORDERED.

Dated: December 3, 2020

New York, New York

ANDREW L. CARTER, JR.

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United States District Judge

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